

**IN THE HIGH COURT OF RAJASTHAN
AT JAIPUR BENCH, JAIPUR**

D.B. CIVIL SPECIAL APPEAL (WRIT) NO.817 OF 2007

For Approval and Signature :

HONOURABLE THE ACTING CHIEF JUSTICE MR. J.M. PANCHAL

HONOURABLE MR. JUSTICE MOHAMMAD RAFIQ

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1. Whether Reporters of Local Papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?
5. Whether it is to be circulated to the civil judge ?

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M/s. A.N.M. Enterprises – Appellant

Versus

Rajasthan State Ind. Developt. & Investment Corp Ltd. & Ors. - Respondents

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Appearance :

Mr. G.P. Kaushik, Advocate, for the appellant.

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**CORAM : HONOURABLE THE ACTING CHIEF JUSTICE MR. J.M. PANCHAL
and
HONOURABLE MR. JUSTICE MOHAMMAD RAFIQ**

Date : 11/09/2007

ORAL JUDGMENT

(Per : HONOURABLE THE ACTING CHIEF JUSTICE MR. J.M. PANCHAL)

The instant appeal is directed against the judgment dated March 19, 2007 rendered by the learned Single Judge in S.B. Civil Writ Petition no.1546/2007 by which the prayer made by the appellant to set aside the order dated February 18, 2003 passed by the Senior Regional Manager, Rajasthan State Industrial Development and Investment Corporation Limited cancelling the allotment of land made in favour of

the appellant and forfeiting the security money, economic rent and service charges alongwith interest and 10% amount of total development charges etc., is refused.

The appellant is a proprietary firm . It had applied on April 26, 2001 for allotment of the land to enable the firm to establish readymade garment manufacturing unit. The appellant initially deposited a sum of Rs.37,125/- with the respondent on the basis of which land was allotted to it on terms and conditions stipulated in agreement dated April 07, 2001. The appellant did not make payment of amount of instalments on due dates nor established the unit. Therefore, the respondent by an order dated February 18, 2003 cancelled the allotment of land made in favour of the appellant and forfeited the security money, economic rent and service charges alongwith interest and 10% amount of total development charges etc.. Thereupon, the appellant invoked extraordinary jurisdiction of this Court under Article 226 of the Constitution by filing S.B. Civil Writ Petition no.1546/2007 and claimed the reliefs referred to earlier. The learned Single Judge has dismissed the petition by an order dated March 19, 2007 giving rise to the instant appeal.

This Court has heard the learned counsel for the appellant and considered the documents forming part of the petition.

It is an admitted position that the appellant had not made payment of amount of the instalments on the due dates as mentioned in the order dated February 18, 2003. It is relevant to notice that as per clause 20 of agreement dated April 07, 2001, the appellant was required to establish the industry for which the land was allotted to it. However, it

is an admitted position that the appellant had not established the project for which land was allotted to it. Thus, for admitted breach of terms and conditions stipulated in contract dated April 07, 2001, the order dated February 18, 2003 cancelling the allotment of land and forfeiting the security money etc. was passed.

In view of these admitted facts, the learned Single Judge was justified in dismissing the petition filed by the appellant. No ground is made out by the learned counsel for the appellant to interfere with the same in the instant appeal and, therefore, the appeal which lacks merits, deserves dismissal.

For the foregoing reasons, the appeal fails and is dismissed.

(MOHAMMAD RAFIQ), J.

(J.M. PANCHAL), Actg.CJ.

Skant/-